

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

EXITEXCHANGE CORP  
*Plaintiff,*

vs.

FRIENDFINDER NETWORKS, INC  
*Defendant.*

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Case No. 2:13-cv-00396-JRG

**JURY TRIAL DEMANDED**

**PLAINTIFF EXITEXCHANGE'S SURREPLY TO DEFENDANT FRIENDFINDER  
NETWORKS, INC.'S REPLY RE ITS MOTION TO DISMISS PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

This matter comes before the Court on the motion (Dkt. 67) of Defendant FriendFinder Network, Inc. (hereinafter “Defendant”) to dismiss the Complaint of Plaintiff ExitExchange Corp. (hereinafter “ExitExchange”).

ExitExchange has considered the reply filed by Defendant, and notes that Defendant states that the “effective date” of the Confirmation Order is December 20, 2013, not December 16, 2013. As Plaintiff’s response made clear, Plaintiff is willing to limit its request for damages and relief to Defendant’s post-confirmation activity, and Plaintiff is willing to agree that the effective date is December 20, 2013.

Given such a representation, there does not seem to be any need to require Plaintiff to file a new, separate complaint containing this limitation, rather than simply continuing the case as filed subject to this limitation. Plaintiff defers to the wishes of the Court on this matter and will submit an amended complaint if the Court so wishes.

Respectfully submitted,

Dated: March 20, 2014

By: /s/ Elizabeth L. DeRieux  
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ATTORNEYS FOR PLAINTIFF  
EXITEXCHANGE, CORP.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 20<sup>th</sup> day of March, 2014, with a copy of this document via electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux